

Amendment After Final Rejection
Appl. No. 09/419,927

REMARKS

The applicant responds to the Official Action of January 4, 2002, in accordance with 37 C.F.R. 1.116.

Claims 4 through 9 are pending. Claim 4 is amended with this response.

A Notice of Appeal with a check for the \$160 small entity fee accompanies this response.

The applicant requested an interview with the Examiner in the previous response. The applicant objects to the facts that no interview was granted and the Examiner substituted a new citation of art and made the rejections of the claims final.

1. Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 4 through 9 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner requests clarification of the term "being absent a tetra-hydroxyproline block" and "in a pharmaceutically active concentration."

The applicant believes that the language of claim 4 as previously presented is understood within the art. However, to place this case in better condition for allowance or appeal, the applicant adopts the terminology from the Li et al. article of "lack[s]" the tetra-hydroxyproline block. The applicant also returns to the language of the original rejection was previously presented to the recitation of a

Amendment After Final Rejection
Appl. No. 09/419,927

"therapeutically effective amount" as being indefinite. This rejection should be withdrawn.

2. Claim Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 4 through 9 under 35 U.S.C. § 102 as being anticipated by an article from Plant Physiology by Li et al. The applicant traverses this rejection and requests reconsideration.

The applicant describes his invention on page 14 of the application at lines 2 through 5 and at lines 20 and 21 as desirably being a composition of "partly purified" extensin that lacks the tetra-hydroxyproline block. The applicant's partly purified extensin enhances cytotoxic activity of lymphocytes as described in the application on page 11 at lines 9 and 10.

The Examiner's cited article does not disclose the applicant's claimed composition of a partly purified extensin. Further, the article does not disclose the claimed therapeutic activity for the composition. The article to Li et al., therefore, does not anticipate the applicant's claimed extensin. This rejection should be withdrawn.

Amendment After Final Rejection
Appl. No. 09/419,927

Favorable consideration of the application is requested.

Respectfully submitted,

4 Apr 2002
Date

Paul Grandinetti
Paul Grandinetti
Registration No. 30,754

Levy & Grandinetti
Suite 1401
1725 K Street, N.W.
Washington, D.C. 20006-1401

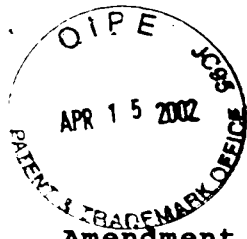
(202) 429-4560

I certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to Commissioner for Patents, Washington, D.C.

20231, on 4 Apr 2002

Signature

Date



COPY OF PAPERS
ORIGINALLY FILED

Amendment After Final Rejection
Appl. No. 09/19,927

RECEIVED
APR 29 2002
TECH CENTER 1600/2900

ANNOTATED AMENDMENTS TO THE CLAIMS

Please amend claim 4 as follows.

4. (Amended) A composition comprising:

a partially purified protein of extensin, said partially purified protein includes rhamnogalacturonan proteins containing non-covalent bonds between hydroxyproline-rich glycoproteins and rhamnogalacturonan-1, said protein [being absent] of extensin:

(i) lacks a tetra-hydroxyproline block; and

(ii) is in a [pharmaceutically active concentration] therapeutically effective amount sufficient for cytotoxic enhancement of lymphocytes.